## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA 2008 FEB 25 PM 4: 10 SAVANNAH DIVISION

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JAMES PATRICK DENSMORE,	)		S
	)		
Petitioner,	)		
	)		
v.	)	CASE NO. CV407-14	6
	)		
UNITED STATES OF AMERICA,	)		
	)		
Respondent.	)		
<b>L</b>	)		

## ORDER

After a careful <u>de</u> <u>novo</u> review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court.

In his Objections to the Report and Recommendation, Petitioner argues that the Government has relied on a falsified consent-to-search form allegedly signed by him. Petitioner argues that his failure to sign such a form rendered his trial and appellate counsel ineffective when they did not move for the suppression of materials found at Petitioner's residence. Petitioner asks the Court to inquire into the validity of the consent-to-search form relied upon by the Government. For the following reasons, the Court declines to do so.

First, as the Magistrate Judge explained, the police officers had a warrant to search Petitioner's residence.1 Petitioner's wife (and co-resident) signed a Second, consent-to-search form and provided the police officers with combination of a safe in Petitioner's residence. Therefore, not only was the search executed pursuant to a valid search warrant, but the officers also obtained valid consent before executing the search. Under these circumstances, Petitioner's trial and appellate counsel were ineffective in failing to challenge the materials obtained through the search.

Petitioner also objects to the Magistrate Judge's Recommendation regarding Petitioner's claim of government interference with potential witnesses for the defense. The Court has considered Petitioner's Objections and finds them to be without merit. Accordingly, the Report and Recommendation of the Magistrate Judge is ADOPTED as the opinion of the Court.

SO ORDERED this 25 day of February, 2008.

WILLIAM T. MOORE, JR., CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA

<sup>&</sup>lt;sup>1</sup> Although one warrant was issued before the search and one after, the second warrant was only intended to fix a typographical error, which by itself did not render the first warrant illegal.